REMARKS/DISCUSSION OF ISSUES

Claims 1-20 are pending in the application. Applicant acknowledges the Examiner's indication of allowable subject matter, namely, that claims 4, 8, 9, 13, 17 and 19 define patentable subject matter and each would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority documents.

The Examiner is respectfully requested to state whether the drawings are acceptable.

Reexamination and reconsideration of the application are respectfully requested.

35 U.S.C. § 102

The Office Action rejected claims 10-12 and 18 under 35 U.S.C. § 102 over Siep et al. U.S. patent 6,452,480 ("Siep").

Applicant respectfully traverses those rejections for at least the following reasons.

Claim 10

Among other things, the master station of claim 10 transmits a second command instructing the slave station to adopt a second state wherein transmission of the acknowledgement message is response to receiving decodable data is disabled.

Applicant respectfully submits that Siep does not disclose any master station possessing such a feature.

The cited text discloses only that Siep selects a particular client calculator 82 for transmitting an acknowledgement message. However, it does not disclose that

the master station transmits any (second) command instructing any slave station to adopt a second state wherein transmission of the acknowledgement message is response to receiving decodable data is disabled. Indeed, it appears that being disabled from transmitting any acknowledgement message is simply a default state for the client calculators 82, particularly in view of the discussion of the first embodiment of FIG. 4 where none of the client calculators are capable of transmitting acknowledgements at all. Accordingly, Siep does not employ any command instructing any slave station to adopt a second state wherein transmission of the acknowledgement message is response to receiving decodable data is disabled.

Therefore, for at least this reason, Applicant respectfully submits that claim 10 is patentable over Siep under 35 U.S.C. § 102.

Claims 11-12

Claims 11-12 depend from claim 10 and are deemed patentable for at least the reasons set forth above with respect to claim 10.

35 U.S.C. § 103

The Office Action rejected claims 1-3, 5-7, 14, 15 and 20 under 35 U.S.C. § 103 over Siep in view of Needham et al. U.S. Patent 5,517.507 ("Needham"). Applicant respectfully traverses those rejections for at least the following reasons.

Claim 1

Among other things, the method of claim 1 includes transmitting a negative acknowledgement if the received data is undecodeable, transmitting a positive acknowledgement if the received data is decodeable and the slave station is in a first state, transmitting no acknowledgement if the received data is decodeable and the slave station is in a second state, wherein only one of the plurality of slave stations is in the first state.

The Office Action explicitly concedes that Siep fails to disclose any such features. However, the Office Action says that Needham discloses such features,

and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to "include Needham's acknowledgement transmitting means with Siep's invention in order to use ACKs and NACKs in a broadcast data system utilizing an ARQ protocol."

Applicant respectfully traverses the proposed combination of Siep and Needham as lacking motivation in the prior art, and respectfully submits that in any event it would not produce the method of claim 1.

At the outset, the Office Action fails to state why one would be motivated to modify Siep's system to "use ACKs and NACKs in a broadcast data system utilizing ARQ protocol." The Office Action fails to cite anything in the prior art that explains why anyone would ever even want to modify Siep's system to "use ACKs and NACKs in a broadcast data system utilizing ARQ protocol." What if any benefits would accrue to Siep's system that would motivate one to want to "use ACKS and NACKs in a broadcast data system utilizing ARQ protocol," and where is that described in the prior art? Indeed, Needham itself teaches that "where there are numerous communication units" (e.g., Siep) "such a system is wasteful of the communication channel, and the messages will take a very long time to be transmitted" (col. 1, lines 45-48).

Applicant respectfully submits that the Office Action has failed to cite any teaching in the prior art that would motivate one to modify Siep's system to "use ACKs and NACKs in a broadcast data system utilizing ARQ protocol."

Furthermore, Applicant respectfully submits that the proposed combination of Siep and Needham would not produce the method of claim 1.

First, the two portions of text cited in the Office Action at col. 1, lines 31-37, and at col. 2, lines 33-51, pertain to two completely different and contrary-operating communication systems. The first system, disclosed in col. 1, lines 31-37, is a prior art ARQ system that Needham teaches away from. The second system, disclosed at 2, lines 33-51, is Needham's "improved' system.

The Office Action fails to state which of the two completely opposite systems it proposes to take the teachings of and apply to Siep.

In any event, Applicant respectfully submits that neither system, when combined with Siep, could price the method of claim 1.

In the system described at col. 1, lines 31-37 of Needham, all of the plurality of slave stations transmit the ACK messages. This is contrary to the method of claim 1 where only one slave station (the one in the first state) transmits an ACK message. Again, on page 3, lines 12-16, the Office Action explicitly concedes that such a feature is not disclosed by Siep. Accordingly, no combination of Siep and the system described at col. 1, lines 31-37 of Needham could produce the method of claim 1.

Meanwhile, In the system described at col. 2, lines 33-51 of Needham, none of the slave terminals transmits any ACK message (see col. 5, lines 5-7). Therefore, no combination of Siep and the system described at col. 2, lines 33-51 of Needham could produce the method of claim 1.

Accordingly, for at least these reasons, Applicant respectfully submits that the method of claim 1 is patentable over the prior art of record.

Claims 2-3

Claims 2-3 depend from claim 1 and are deemed patentable for at least the reasons set forth above with respect to claim 1.

Claim 5

Among other things, the system of claim 5 includes means for transmitting a first acknowledgement message if the received data is undecodeable, means for transmitting a second acknowledgement message if the received data is decodeable, and means for setting the slave station into a first state wherein transmission of the second acknowledgement message in response to receiving decodeable data is enabled and means for setting the slave station into a second state wherein transmission of the second acknowledgement message in response to receiving decodeable data is disabled, wherein only one of the plurality of slave stations is in the first state

For similar reasons to those set forth above with respect to claim 1, Applicant respectfully traverses the proposed combination of Siep and Needham as lacking motivation in the prior art, and respectfully submits that in any event it would not

produce the system of claim 5.

Furthermore, as explained above with respect to claim 10, Siep does not disclose any "means for setting the slave station into a second state wherein transmission of the second acknowledgement message in response to receiving decodeable data is disabled."

Finally, in the system of claim 5, a plurality of messages transmitted by the slave stations are at least partially concurrent. Such a feature is completely contrary to the teaching of Siep, which emphasizes individual polling of the slave stations.

Accordingly, for at least these reasons, Applicant respectfully submits that the system of claim 5 is patentable over the prior art of record.

Claims 6-7

Claims 6-7 depend from claim 5 and are deemed patentable for at least the reasons set forth above with respect to claim 5, and for the following additional reasons.

Claim 6

In the system of claim 6, the means for setting the slave station into the second state is responsive to receiving a command.

As explained above with respect to claim 10, in Siep's system the master station does not transmit any "second" command to put a slave station into a second state. Similarly, the slave station includes no such means responsive to any such second command.

Accordingly, for at least this additional reason, Applicant respectfully submits that the system of claim 6 is patentable over the prior art of record.

Claim 14

Among other things, the station of claim 14 includes means for setting the slave station into a first state wherein transmission of the second acknowledgement message in response to receiving decodeable data is enabled and means for setting the slave station into a second state wherein transmission of the second acknowledgement message in response to receiving decodeable data is disabled.

For similar reasons to those set forth above with respect to claim 1, Applicant

respectfully traverses the proposed combination of Siep and Needham as lacking motivation in the prior art, and respectfully submits that in any event it would not produce the station of claim 14.

Accordingly, Applicant respectfully submits that the station of claim 14 is patentable over the prior art of record.

Claim 15

Claim 15 depends from claim 14 and is deemed patentable for at least the reasons set forth above with respect to claim 14, and for the following additional reasons.

Among other things, in the slave station of claim 15, the means for setting the slave station into the second state is responsive to receiving a second command.

As explained above with respect to claim 10, in Siep's system the master station does not transmit any "second" command to put a slave station into a second state. Similarly, the slave station includes no such means responsive to any such second command.

Accordingly, for at least this additional reason, Applicant respectfully submits that the system of claim 15 is patentable over the prior art of record.

Claim 20

Claim 20 depends from claim 14 and is deemed patentable for at least the reasons set forth above with respect to claim 14.

CONCLUSION

In view of the foregoing explanations, Applicant respectfully requests that the Examiner reconsider and reexamine the present application, allow claims 1-20 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (703) 715-0870 to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment (except for the issue fee)

to Deposit Account No. 50-0238 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17, particularly extension of time fees.

Respectfully submitted,

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